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PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Thomas Patrick Ryan

Examiner:

Serial No.: 09/992,301 /

Group: Art Unit 3761

Filed: November 14, 2001

Docket: 2089 CON II (203-2413CON2)

Dated: February 6, 2002

For: APPARATUS AND METHOD FOR SEALING AND CUTTING TISSUE

Assistant Commissioner for Patents  
Washington, D.C. 20231TRANSMITTAL FORM

Sir:

Transmitted herewith is an amendment in the above-identified application.

- [ ] Small entity status of this application under 37 C.F.R. § 1.9 and 1.27 has been established by a verified statement previously submitted.
- [ ] A verified statement to establish small entity under 37 C.F.R. § 1.9 and 1.27 is enclosed.
- [X] No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY		OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	OR RATE	ADDIT. FEE
TOTAL	* MINUS **	=	X 9	\$		X 18	\$ 0
INDEP.	* MINUS **	=	X 40	\$		X 80	\$ 0
□ FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				X 135	\$	X 270	\$ 0
				TOTAL		OR TOTAL	\$ 0
				ADDIT. FEE	\$ -0-		

\* If the entry in Co. 1 is less than entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".

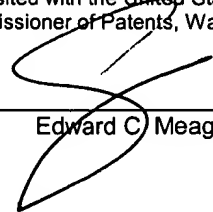
\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The Highest No. Previously Paid For (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Assistant Commissioner of Patents, Washington, D.C. 20231 on February 6, 2002.

Dated: February 6, 2002

  
Edward C. Meagher

- ☐ Please charge Deposit Account No. 50-2140 in the amount of \$\_\_\_\_. Two (2) copies of this sheet are enclosed.
- ☐ A check in the amount of \$\_\_\_\_ is enclosed.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-2140. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-2140 therefor. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

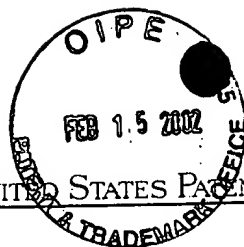
Respectfully submitted,

Edward C. Meagher  
Reg. No. 41,189  
Attorney for Applicant(s)

***Carter, DeLuca, Farrell & Schmidt LLP***

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ECM/gm



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/992,301	11/14/2001	Thomas Patrick Ryan	2089 CON II

CONFIRMATION NO. 7801

FORMALITIES LETTER



\*OC000000007161697\*

Peter C. Richardson  
PFIZER INC  
235 East 42nd Street  
New York, NY 10017-5755

Date Mailed: 12/06/2001

02/22/2002 EAREGAY1 00000001 09992301

01 FC:105

## 130.00 PP NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

### FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 17 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.


II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice MUST be returned with the reply.*



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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



CERTIFICATE OF MAILING

PATENT

Docket No. 2089CON2 (203-2413CON2)

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on 2/6/02.

By: Edward C. Meagher

Date: 2/6/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : THOMAS PATRICK RYAN  
TITLE : **APPARATUS AND METHOD FOR SEALING AND CUTTING TISSUE**  
SERIAL NO. : 09/992,301  
FILED : November 14, 2001  
PARENT EXAMINER : GLENN DAWSON

**RESPONSE TO NOTICE OF OMITTED ITEM(S)  
IN A NON-PROVISIONAL APPLICATION**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Office Communication dated December 6, 2001, Applicant hereby submits the missing Fig. 17 drawing which was erroneously not included in with the originally-submitted papers filed on November 14, 2001 for the above-identified continuation application.

Applicant respectfully submits that even though the Fig. 17 drawing page was not

included with the filing papers on November 14, 2001 for the above application, the Fig. 17 drawing page is still, in fact, part of the present disclosure since the Fig. 17 drawing was included with the filing of the original parent application, namely, U.S. Application Serial No. 08/925,805 filed on September 9, 1997 (now U.S. Patent No. 6,267,761). *(The present application claims the benefit of priority to U.S. Application Serial No. 09/591,328 filed on June 9, 2000 which is a continuation U.S. Application Serial No. 08/925,805 filed on September 9, 1997).*

In view thereof, Applicant respectfully submits that the entire application including the Fig. 17 drawing page is in fact part of the present application as filed. Moreover, the present application including the Fig. 17 drawing page is entitled to claim both the November 14, 2001 filing date and the benefit of priority to the September 9, 1997 priority date of the original parent application, namely, U.S. Application Serial No. 08/925,805.

In support thereof, Applicant has also filed concurrently herewith:

- 1) a Petition under 37 CFR §1.182;
- 2) a Petition fee of \$130.00; and
- 3) a copy of the original Oath and Declaration filed with U.S. Application Serial No. 08/925,805 on September 9, 1997.

If the Initial Patent Examination Division of the PTO should have any questions concerning the above, the PTO officer is respectfully invited to contact Applicant's attorney of record at the phone number listed below.

Respectfully submitted,

By: 

Edward C. Meagher  
Attorney for Applicant  
Reg. No. 41,189

**CARTER, DELUCA, FARRELL & SCHMIDT LLP**  
445 Broad Hollow Road – Suite 225  
Melville, New York 11747  
(631) 501-5700

Enclosures: 1) Petition under 37 C.F.R. §1.182;  
2) Copy of Notice of Omitted Item(s) in a Nonprovisional Application; and  
3) Copy of Fig. 17